IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 24178 of 2007(C)

PETITIONER:

M.GOPAKUMARAN NAIR, THEKKATIL VEEDU,
T.C.NO.13/804, KUNNUKUZHI, THIRUVANANTHAPURAM-27.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   PUBLIC WORKS DEPARTMENT,
   THIRUVANANTHAPURAM.

2. **THE PRINCIPAL SECRETARY TO GOVERNMENT,**
   FINANCE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

3. **THE CHIEF ENGINEER, P.W.D.ROADS AND**
   BRIDGES, THIRUVANANTHAPURAM.

4. **THE EXECUTIVE ENGINEERING,**
   PWD ROADS DIVISION,
   THIRUVANANTHAPURAM.

5. **THE ASSISTANT EXECUTIVE ENGINEER,**
   CITY ROADS SUB DIVISION, PWD,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.24178/2007 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT DTD. 15/03/2006.**

EXT.P2: **COPY OF THE REPRESENTATION DTD. 5/05/2007 SUBMITTED BY PETITIONER BEFORE THE 1ST RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) No. 24178 OF 2007 C
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Dated this the 25th October, 2007

J U D G M E N T

Petitioner has executed certain contract works for the respondents and has filed this writ petition for a direction to the respondents for payment of Rs.69,576/- which is quantified to be due to the petitioner. Although the respondents do not dispute the claim of the petitioner or the quantum, the only justification for the delay is want of special letter of credit from the Government. It is also submitted by the respondents that they have already recommended the claim of the petitioner, but payment has not been made for the aforesaid reason.

2. It may be true that the special letter of credit is a requirement for making payment. But that cannot be a reason for making a contractor to wait endlessly, particularly in a situation where the claim or the quantum is undisputed.

3. In view of this I see no justification for the delay in releasing the payment. Accordingly, I dispose

of this writ petition directing that the claim of the petitioner shall be satisfied by paying the amount due as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the respondents for compliance.

ANTONY DOMINIC
JUDGE

jan/-